GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:90
ANSWERED ON:18.02.2003
CASE ON GILANI
BASUDEB ACHARIA;LAKSHMAN CHANDRA SETH;M.H. AMBAREESH;PRIYA RANJAN DASMUNSI;SRIPRAKASH JAISWAL

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Supreme Court has allowed the Government to withdraw a case under the Official Secrets Act against the `Kashmir Times` correspondent Syed Iftikar Gilani, as reported in the Indian Express dated January 14,2003;

(b) if so, the reasons for filing the withdrawal application in the Supreme Court;

(c) whether there is any mechanism to ensure that chargesheet are not filed on flimsy grounds;

(d) whether in this case, the matter was sincerely examined before framing charges;

(e) if not, the steps the Government propose to take to ensure that persons serving the media keep working without any fear of State-harassment;

(f) whether the Government are considering to scrap the Official Secrets Act as the same is no more relevant after independence; and

(g) if not, the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTF PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS (SHRI HARIN PATHAK)

(a) & (b): The case was filed before the Court of Chief Metropolitan Magistrate, Delhi and it was withdrawn from the same Court on administrative grounds and in public interest. In this case there was no reference to Supreme Court.

(c),(d) & (e): Yes, Sir. The cases under the Official Secrets Act are invariably examined in consultation with the Ministry of Law before prosecution sanction is accorded. This case was also examined accordingly.

(f) & (g): No, Sir. The Act has withstood the legal scrutiny since 1923.